

## BOARD RULES

### NATCHITOCHEES MUNICIPAL FIRE AND POLICE CIVIL SERVICE BOARD

#### RULE I

##### MEETING OF THE BOARD

- SECTION 1: The board shall hold one regular meeting within each quarterly period of the calendar year, in the months of January, April, July, and October. The board shall hold such special meetings as may be called by the chairperson or as provided in Revised Statute 33:2471 and those that follow.
- SECTION 2: All meetings shall be held at a site to be determined upon notice of said quarterly and/or special called meetings.
- SECTION 3: Notice of regular meetings shall be given by posting such notice in the city hall or at the building in which the meeting is to be held, not less than five (5) days before the date fixed for such meeting, unless otherwise provided by law. Such notice shall state whether the meeting is regular or special, and shall include the date, time, place, and agenda of the meeting, provided that upon approval of two-thirds of the members present at a meeting of a public body, the public body may take up a matter not on the agenda.
- SECTION 4: Special meetings of the board will be held only upon call of the chairman, or in his absence the vice-chairman, or as provided by Revised Statute 33:2471, and those that follow.
- SECTION 5: All board meetings shall be open to the public, except when the board meets in executive session as provided for in Revised Statute 42:4.1, and those statutes that follow.
- SECTION 6: All board members must be notified not less than five (5) days preceding all regular board meetings. Special meetings may be held upon twenty-four hour notice, as provided by law.
- SECTION 7: Four members of the board must be present to constitute a quorum of the board. Concurring votes of three members are necessary for decision of all

matters before the board.

## **RULE II**

### **SUBJECT MATTER OF MEETINGS**

SECTION 1: At regular meetings of the board it shall consider all old and new business which may be brought to its attention in the manner hereinafter provided.

SECTION 2: At special meetings the board shall consider only those items of business for which the meeting was called, except by agreement of two-thirds of the board members, other matters may be considered.

## **RULE III**

### **ORDER OF BUSINESS**

SECTION 1: At regular meetings the order of business shall be as follows:

1. Reading of the minutes
2. Special and general reports
3. Decisions and orders on matters considered at previous hearings and meetings.
4. New business.

SECTION 2: At special meetings the order of business shall be as follows:

1. Reading of minutes
2. Decisions and orders on matters considered at previous hearings and meetings.
3. Hearing of matters previously fixed for the special meeting.

## **RULE IV**

### **EXECUTIVE SESSIONS**

SECTION 1: The board, if required, will meet in executive session during regular or special meetings, by two-thirds vote of those present when considering those matters which may be discussed under provisions of Revised Statute 42:6.1, (relative to exceptions to open meetings). Any voting on matters discussed

in executive sessions shall be conducted **only** upon return to public meeting.

## **RULE V**

### **APPLICATION FOR APPEALS AND HEARINGS**

SECTION 1: Any person authorized to appeal to the board under the provisions of Civil Service Law may apply for such an appeal by a written notice giving a clear and concise statement of the action complained against, the basis of the appeal, and the relief sought. Application for appeals to the board under the provisions of R.S. 33:2501 of Civil Service Law shall be made only by regular employees in the classified service and shall be limited to matters involving discharge, corrective or disciplinary action and the application shall so state. All other requests for hearings shall set forth the section of Civil Service Law under which the application is brought and shall contain a statement of the jurisdiction of the board. All applications for appeals and other hearings must be signed by the applicant or his counsel, if any, and must give the full name and post office address of the appellant and of his counsel. Written notice shall be filed with the chairperson of the board or the board official so designated to receive such applications.

SECTION 2: No appeal shall be effective unless the above stated notice is filed within fifteen (15) days following the action complained against, or where written notice is given of an action to be thereafter effective, within the fifteen (15) days following the date on which such written notice is given.

SECTION 3: The secretary of the board shall cause the date of filing to be noted on each notice of appeal and shall file said appeal on the appeals docket, giving the said appeal an appropriate title.

## **RULE VI**

### **PROCEDURE ON APPEALS** (Revised Statute 33:2501)

SECTION 1: All hearings on appeals shall be open to the public.

SECTION 2: Parties shall have the right, but shall not be required, to be represented by counsel. When any party is represented by more than one attorney, only one attorney for any party shall be permitted to examine the same witness.

SECTION 3: The rules of evidence as applied in civil trials before the courts of this state need not be strictly complied with, but the board shall limit evidence to matters having a reasonable relevance to the issues before the board. The burden of proof, as to the facts, shall be on the appointing authority except in those cases where the employee alleges discrimination based on political or religious beliefs, sex, or race.

SECTION 4: Parties and witnesses shall be subject to cross-examination as in civil trials. The board looks with favor upon stipulations of undisputed facts.

The appointing authority shall be first to present evidence and testimony followed by the evidence and testimony of the appellant. Board members may ask questions of witnesses.

SECTION 5: The board may, on request of any party or on its own motion, place witnesses other than parties under the rule of the board and thus exclude them from the hearing room.

SECTION 6: Any party desiring the issuance of a subpoena for the attendance of a witness or the production of books or papers must apply for appropriate order, to the board, in writing at least eight (8) days before the time fixed for the hearing. Such application shall state the purpose of the subpoena and what evidence or testimony is sought by the issuance of the subpoena. A subpoena service fee of \$10.00 will be required for any additional subpoena requested after the first four (4).

SECTION 7: The written rules, regulations, and procedures of the civil service board and Revised Statute 33:2471 and those that follow will be the basis of all hearings

and appeals.

SECTION 8: When an appeal is taken by an employee in the classified service in those cities with a population exceeding thirteen thousand (13,000) pursuant to R.S. 33:2501 to a municipal fire and police civil service board and the board determines, in reversing the decision of the appointing authority, that the corrective or disciplinary action taken by the appointing authority was without just cause as provided in R.S. 33:2501, the board may award to the appealing employee attorney fees to be assessed against the appointing authority not to exceed five hundred dollars in any one appeal.

#### **RULE VII**

##### **DISMISSAL OF APPEALS**

SECTION 1: If the appellant fails to appear at the place and time fixed for any hearing, his appeal may be dismissed or the board may, in its discretion, continue the case or proceed with the hearing and render its decision upon such evidence as may be adduced at the hearing.

#### **RULE VIII**

##### **TRANSCRIPTS OF HEARINGS**

SECTION 1: If any party to the hearing desires a permanent transcript of the hearing, the party shall furnish a court reporter for said purpose at their own expense. Where a court reporter is furnished, the first copy of the original of the transcript shall be filed with the board and shall become part of the permanent record of any subsequent appeal. Where no court reporter is furnished, the secretary of the board shall maintain as complete notes as is feasible and the board will issue a written finding of fact.

#### **RULE IX**

##### **OTHER HEARINGS**

SECTION 1: All other hearings of the board shall be instituted

and shall be conducted in accordance with the above and foregoing rules and Civil Service Law in general.

## **RULE X**

### **APPLICATION FOR ADMISSION TO TEST**

SECTION 1: Test for entry upon promotional and competitive employment list shall be advertised for and administered in accordance with R.S. 33:2492 of Civil Service Law. Test for entrance upon competitive employment list may be given as the needs of the service require as determined by the civil service board. Test for entry upon promotional employment list may be given as the needs of the service require and shall be given at least one time during each successive period of eighteen (18) months.

SECTION 2: Applications for admission to tests on board approved forms, will be received by those individuals designated by the board at any time before final date for receiving applications. Approved applicants will be notified at least five (5) days in advance of the date fixed for the exam. Individuals designated to receive applications will forward such applications to the board secretary and shall be kept as a permanent record of the board in accordance with Civil Service Law.

SECTION 3: Promotional and competitive employment lists shall be maintained by the board for eighteen (18) months.

SECTION 4: Admission to tests shall be governed by provisions of Section 2493 of the Civil Service Act and the qualification requirements of the classification plan. In the event of a demonstrated need for an eligibility list, the board may waive any requirements in the classification plan in order to establish a qualified pool of applicants for testing. A demonstrated need is established when an active provisional appointment exists in the classification to be tested and it is anticipated that an adequate list cannot be established under existing rules.

SECTION 5: When results of any examination are furnished to the

board by the State Examiner, the Chairperson shall forthwith call the board for a special meeting for approval thereof. Employment lists shall become effective upon approval of and by a majority of the board and filing of the same by the board with the State Examiner.

**RULE XI**

**DISTRIBUTION OF BOARD RULES**

SECTION 1: A copy of the board rules shall be distributed to each board member, governing body one copy, Police Chief and Fire Chief one copy each, and police and fire station bulletin boards one copy each.

SECTION 2: A copy of the board rules shall be given on request to an appellant or his counsel prior to a hearing.

**RULE XII**

**RULES FOR LEAVES OF ABSENCE**

**NATCHITOCHEES MUNICIPAL FIRE AND POLICE CIVIL SERVICE BOARD**

**SECTION 1 - LEAVES OF ABSENCE**

1.1 Leaves of absences may be granted to classified fire and police employees by the appointing authority and shall be granted when required by law or the following leave rules.

1.2 The right to regulate the time at which any employee may take an annual leave, or any other leave which is not beyond the control of the employee, shall be vested at all times with the appointing authority as provided in Revised Statute 33:2497.

**SECTION 2 - LEAVE OF ABSENCE, HOLIDAYS, AND BOARD RULES - FIRE AND POLICE**

**LEAVES OF ABSENCE ARE CLASSIFIED AS FOLLOWS:**

2.1 Leave of absence with pay

- 2.2 Leave of absence without pay
- 2.3 Absence without leave and pay
- 2.4 Administrative leave - The appointing authority may grant administrative leave with pay for periods not to exceed sixty (60) days (*Fire Department only*) when circumstances develop that would warrant the removal of an employee from the department without disadvantage in order for the appointing authority to conduct an investigation concerning the conduct of the employee. This period may not be extended beyond sixty (60) days without approval of the civil service board.
- 2.5 Administrative leave - The appointing authority may grant administrative leave with pay for periods not to exceed seventy-five (75) days (*Police Department only*) when circumstances develop that would warrant the removal of an employee from the department without disadvantage in order for the appointing authority to conduct an investigation concerning the conduct of the employee. This period may not be extended beyond seventy-five (75) days without approval of the civil service board.

### **SECTION 3: - SICK LEAVE**

- 3.A Each employee of the classified service shall be entitled to and given, with full pay, sick leave aggregating not less than fifty-two (52) weeks during a calendar year for any sickness or injury or incapacity not brought about by the employee's own negligence or culpable indiscretion or because of his or her being exposed to contagious disease(s) under circumstances in which the health of employees with whom he or she associated or members of the public necessarily dealt with might be endangered by his or her attendance on duty, or written advice of a physician that such leave be granted.

Any employee of the classified service who draws such full pay during sick leave shall have such pay decreased by the amount of workman's compensation benefits actually received by such employee. Classification of leave of absence for the aforementioned, will be, "Leave of Absence With Pay."

- 3.A.1 The definition of "employee" in Section 3.A shall not include personnel employed on or after June 1, 2006, who primarily perform clerical or non-enforcement duties, including but



not limited to the following: typographical duties, office machines operators, switchboard or telephone or telefax operators, filing or records clerks.

All police department employees employed prior to June 1, 2006, shall retain the sick leave benefits provision in effect on the date of hire.

- 3.A.2 Sick leave shall not be used for absences incurred because of attendance to personal affairs, except as provided in Section 3.A.5. Any employee on sick leave is required to diligently pursue full recovery and any activity which is contrary to this endeavor may be the basis for disciplinary action which could include termination.
- 3.A.3 Sick leave is applicable to maternity claims. Maternity leave commences when a doctor certifies that the employee cannot perform all of the duties of her position as assigned by the appointing authority.
- 3.A.4 Each regular and permanent employee of the classified fire and police service shall earn 3.69 hours of sick leave per pay period or the equivalent of twelve (12) eight (8) hour days per year. No employee shall earn sick leave benefits, as provided under this subsection, while still in the probational period in his/her entrance class. Time taken off before an employee is confirmed in his/her entrance class will be without pay.
- 3.A.5 Employees may use the maximum of ninety-six (96) hours per calendar year of sick leave, as accrued in Section 3.A.4, in order to care for a member of the employee's immediate family who has suffered a serious injury or illness. Employees will not be granted such leave if their sick leave balance is zero. For purposes of this section, immediate family includes spouse, child, parent, or sibling domiciled in the employee's residence.

3.B **SICK LEAVE FOR POLICE DEPARTMENT EMPLOYEES SERVING IN CLERICAL OR NON-LAW ENFORCEMENT POSITIONS WHO WERE EMPLOYED ON OR AFTER JUNE 1, 2006, AS DEFINED IN 3.A.1**

Each regular and permanent employee of the classified service serving in the police clerical or non-law enforcement position shall earn 3.69 hours of sick leave per pay period or the equivalent of twelve (12) eight (8) hour days per year. No employee shall earn sick leave benefits while still in the

probational period in his/her entrance class. Time taken off before an employee is confirmed in his/her entrance class will be without pay.

- 3.B.1 Sick leave shall not be used for absences incurred because of attendance to personal affairs, except as provided in Section 3.B.2. Any employee on sick leave is required to diligently pursue full recovery and any activity which is contrary to this endeavor may be the basis for disciplinary action which could include termination.
- 3.B.2 For purposes of this section, immediate family includes spouse, child, parent, or sibling living in your home. Employees may use the maximum of ninety-six (96) hours per calendar year of sick leave, as provided in 3.B, in order to care for a member of the employee's immediate family who has suffered a serious injury or illness. Employees will not be granted such leave if their sick leave balance is zero. For purposes of this section, immediate family includes spouse, child, parent, or sibling domiciled in the employee's residence.
- 3.B.3 Sick leave is applicable to maternity claims. Maternity leave commences when a doctor certifies that the employee cannot perform all of the duties of her position as assigned by the appointing authority.

#### **SECTION 4 - VACATION LEAVE**

- 4.1 **FIRE** - Each employee regularly and permanently employed in the fire classified service shall be given eighteen (18) days annual vacation with pay after one (1) year of continuous service. Each employee shall be given one (1) additional day at the end of each year's service after completion of the tenth (10) year not to exceed thirty (30) days. Said annual leave shall not be forfeited due to a sick leave if granted during his/her annual vacation leave.

For the purpose of computing vacation days, vacation days shall be defined to mean calendar days for the fire service.

**POLICE** - Each employee regularly and permanently employed in the police classified service shall be given fifteen (15) days annual vacation with pay after one (1) year of continuous service. Each employee shall be given one (1) additional day at the end of each year's service not to exceed twenty-one (21) days. Said annual leave shall not be forfeited due to

a sick leave if granted during his/her annual vacation leave.

For the purpose of computing vacation days, vacation shall be calculated using hours for the police service.

- 4.2 Employees shall not be required to use their annual vacation days on days that they are not scheduled to work.
- 4.3. The vacation privileges herein provided for shall not be forfeited by any member of the department for any cause.

#### **SECTION 5 - FUNERAL LEAVE**

- 5.1 Funeral leave in the event of an immediate family death shall be authorized without loss of pay or leave time not to exceed one (1) day, except in extenuating circumstances endorsed by the employee's chief. Funeral leave is authorized for the specific purpose of attending the funeral of the deceased family member.
- 5.2 An employee's immediate family is defined to consist of parents, spouse, brother or sister, grandparents, children and step-children who reside with the employee.

#### **SECTION 6 - MILITARY LEAVE WITH PAY**

- 6.1 All members of the classified service who are members of the U.S. Army Reserve, U.S. Naval Reserve, U.S. Air Force Reserve, U.S. Marine Reserve, U.S. Coast Guard Reserve, Army National Guard, Air National Guard, Civil Air Patrol, or the Citizens Military Training Corps, either as officers or enlisted personnel, are entitled to leave of absence from their respective duties, without loss of pay, holiday time, annual leave, or efficiency rating, on all days during which they are ordered to duty with troops or at field exercises, or for instruction, for periods not to exceed fifteen (15) days in any one calendar year; and when relieved from duty, they are to be restored to the positions held by them when order to duty.
- 6.2 Each member of the classified service shall give such notice of order to military duty to the chief of the department or his designee within fifteen (15) days of members receipt of order to duty, or immediately upon receipt if less than fifteen (15) days prior to the date the member is ordered to report for military duty.

**SECTION 7 - MILITARY LEAVE WITHOUT PAY**

7.1 Any regular and permanent employee who left a position of the departmental service, which now comes within the classified service, subsequent to May 1, 1940, (the original date of the Federal Selective Training and Service Act of 1940. 54 Sta. 89 55 Stat. 627) and entered the armed forces of the United States of America shall be restored to his position and hereafter be subjected to the rights and jurisdiction of the classified service created by this act, provided any such employee makes application within sixty (60) days from the date of his honorable or discharge under honorable conditions, and is physically and mentally capable of performing the work of this position to the satisfaction of the appointing authority. (Paragraph 12, Section 15.1 of Article XIV of Louisiana Constitution.)

7.2 Any member of the classified service called into the Armed Forces, will be carried on military leave without pay until the employee returns to duty. The employee is required to notify the chief of the department or the person designated by him/her to receive such notice and this board when he/she receives such notice.

Any member of the classified service who is called into the Armed Forces will be allowed to take whatever annual leave to which the employee may be entitled.

Provisional employees will not be granted a military leave of absence. They shall be required to resign or be dropped from service.

Any member of the classified service who is a member of any military organization as outlined in the Section 6.1, upon being ordered to active duty, shall be given any leave due the employee. Should the employee have used all leave to which the employee is entitled, then the employee shall be granted military leave without pay.

7.3 Civil Service promotional exams while on "active duty" - Any member of either the fire or police department who is serving in the armed forces for the United States of America and is classified as a regular employee or who may, at a later time come under the provisions of the Act and is classified and a regular employee, may, upon application to the secretary of the civil service board or the elected representative of the department in which he/she is classified, be furnished

an application for the next regular scheduled promotional exam.

- 7.4 The applicant shall furnish the name and address of his/her command or executive officer along with his/her application.
- 7.5 After application is received and approved by the civil service board in the same manner that all applications are certified to the secretary shall then place the name of the applicant upon the list of persons eligible to take the next examination of municipal fire and police civil service.
- 7.6 The State Examiner of Municipal Fire and Police Civil Service shall then forward a copy of said examination by registered air mail to the officer and at such address as outlined in Section 7.4 and includes with the examination the instructions as to the proper method to administer the examination and method of returning the examination.
- 7.7 The rules and procedure of examinations and grading shall be set by the State Examiner in the same manner as for all other examinations.

#### **SECTION 8 - SPECIAL LEAVE**

- 8.1 a. Special leave of absence, with or without pay, may be granted by the appointing authority for a period not to exceed one(1) calendar year where such leave is determined to be in the departmental interest. Notification of the board shall not be required for special leave with pay for a period not to exceed thirty (30) consecutive days. Where special leave of absence may be granted with or without pay for a period greater than thirty (30) consecutive days, the board shall be notified in writing of the complete reasons therefor at least thirty (30) days prior to the effective date of the leave of absence. In the event that special leave of absence without pay may be granted for more than thirty (30) consecutive days, the board shall determine whether departmental seniority is to be interrupted or continued.
- b. Before beginning special leave, the employee shall be required to first exhaust all accumulated annual and compensatory leave. Such leave shall not be granted in

lieu of military leave or other leave of absence, as otherwise provided in these rules. However, special leave of absence may be applied in emergency situations in which employees may be called to serve in a non-military capacity in relation to national defense and homeland security. Under no circumstances shall such special leave be granted for the purpose of engaging in other employment.

- 8.2 Leave of absence with pay shall be authorized to regular and permanent employees of the classified service for the purpose of attending city, district, state, national, or international meetings of employees' occupational organizations. The right to regulate such leave shall at all times be vested with the appointing authority.

#### **SECTION 9 - CIVIL LEAVE**

- 9.1 Absence because of jury duty is "leave of absence with pay." However, the jury notice must be presented to the chief of the department or to the person designated by the chief to receive such notice at least five (5) days in advance of such jury duty. An employee shall be granted leave of absence with pay when performing jury duty, or when subpoenaed to appear before a court, public body, or commission, on departmental business, or when performing emergency or civilian duty in connection with national defense. The city will pay the difference between pay earned for the special duty and the employee's regular pay from the city.

#### **SECTION 10 - CITY, DISTRICT COURT OR CIVIL SERVICE BOARD ATTENDANCE**

- 10.1 Attendance in city or district court on departmental business is with pay provided that the attendance is ordered by subpoena or other court order. Any monies received from such court attendance shall be deducted from employee's regular pay. Should any employee of the classified service be required to be in attendance in court on departmental business, on his/her off duty time, such time shall be compensated at his/her normal rate of pay.
- 10.2 Each member of the classified service must present to the chief of the department or the person designated by him/her, any such notice to appear in court at least five (5) days in advance of such court attendance. Copy of such notice shall also be sent to the board.

- 10.3 Each departmental member of the civil service board, either elected or appointed, shall be granted leave of absence with pay for the duration of any civil service board meeting or any time required to assist with civil service examinations.

**SECTION 11 - PERSONAL TIME OFF**

- 11.1 Each member of the classified service may apply to the chief of the department for personal time off when such time off will not exceed two (2) days and no accumulated annual leave has been accrued. This leave is classified as "leave of absence without pay."
- 11.2 Any member of the classified service taking personal time off without applying for same shall be considered as "absent without leave or pay."

**SECTION 12 - FAMILY MEDICAL LEAVE**

- 12.1 Each full-time employee of the classified service after having served one (1) year, shall be entitled up to twelve (12) weeks of unpaid leave, without credit for departmental seniority when appropriate documentation is supplied to the Appointing Authority for those reasons provided by Public Law 103-3 (Family and Medical Leave Act of 1993).
- 12.2 An employee will be required to first exhaust any or all compensatory time and any or all accumulated leave time before being granted unpaid leave without seniority.

**SECTION 13 - LEAVE FOR SPECIALIZED DISASTER SERVICE VOLUNTEER**

- 13.1 Any employee who is a trained disaster volunteer of the American Red Cross may be granted leave from his/her regular work assignments, with pay, and without loss of seniority, annual leave, sick leave, or earned overtime or compensatory time accumulation, for any period not to exceed fifteen (15) work days in any twelve (12) month period, to participate in specialized disaster relief services for disasters designated at Level III or above in the American Red Cross Regulations and Procedures.
- 13.2 Leave may be granted upon written request of the employee to the appointing authority which shall include certification of the employee as a trained American Red Cross disaster volunteer, the nature and location of the disaster,

anticipated duration of the leave, nature of services required, certification by an official of the American Red Cross that the employee's services are needed, and the identity and title of the official of the American Red Cross to whom the employee is to report.

#### **SECTION 14 - CIVIL SERVICE EXAMINATIONS**

- 14.1 Each employee of the classified service shall be granted "leave of absence with pay" to take any local municipal fire and police civil service examination.
- 14.2 Provisional employees are granted "leave of absence with pay" to take a municipal fire and police civil service examination for the class which they hold provisionally.

#### **SECTION 15 - LEAVE WITHOUT AUTHORITY**

- 15.1 The absence of any employee without first obtaining a written leave in accordance with these rules, may be covered by an authorized leave upon the return of such employee provided the condition of his/her absence warrants such action. If not, disciplinary action may be taken against any such employee for the infraction of these rules. If subsequent leave is not granted and disciplinary action is not taken, the appointing authority shall immediately report the matter to the board.

#### **SECTION 16 - EXPIRATION OF LEAVE**

- 16.1 Any employee who fails to report for duty upon the expiration of any authorized leave will be considered to have resigned from the departmental service on the calendar day following leave expiration.

#### **SECTION 17 - HOLIDAYS**

- 17.1 Each member of the classified service shall be granted "Leave of Absence with Pay" on the following holidays:

1. New Year's Day (January 1st)
2. Martin Luther King, Jr. Birthday (3rd Monday in January)
3. Presidents Day (3rd Monday in February)
4. The Friday Before Easter (Good Friday)
5. Memorial Day (Last Monday in May)
6. Independence Day (July 4th)



7. Labor Day (1st Monday in September)
8. Veteran's Day (November 11th)
9. Thanksgiving Day (4th Thursday in November)
10. The Friday after Thanksgiving Day
11. Christmas Eve (December 24th)
12. Christmas Day (December 25<sup>th</sup>)

Should a member of the classified services work assignment be such that the employee is required to work on a legal holiday as set by this board, or other holidays declared by the appointing authority, the employee will be paid an additional compensation of one (1) times the normal rate of pay. However, the governing authority, at its option, may grant employees time off from work for which such additional compensation would be due and payable to said employees at the employees choosing on a "first come, first serve basis" so long as man power needs are met.

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